

SUBPART 3 – BUREAU OF PLANT INDUSTRY
 CHAPTER 11 – Regulation of Professional Services
 SUBCHAPTER 02 – Regulations Governing Entomological, Plant Pathological and
 Weed Control Consultants

Definitions

- 200 For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of Sections 69-25-3 and 69-19-1 through 69-19-11, Mississippi Code 1972.
1. “Act” shall mean Sections 69-19-1 through 69-19-11, Mississippi Code 1972.
 2. “Advisory Board” shall mean the board established under the provisions of Section 69-25-3, Mississippi Code 1972, as amended.
 3. “Bonafide Employee” shall be a person who receives all or part of his/her salary, pay or commission from a license holder and whose salary, pay or commission is regularly reported under federal social security and/or income tax laws.
 4. “Commissioner” shall mean the Commissioner of the Mississippi Department of Agriculture and Commerce.
 5. “Bureau” shall mean the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce as set forth under the provisions of Section 69-25-3, Mississippi Code 1972.
 6. “Entomological Work” shall mean receiving fees for advice or prescriptions for the control or eradication of any insect pest or rodent.
 7. “Insect Pests” shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, flies and to other allied classes or arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and millipedes.
 8. “Licensee” shall mean the person who shall be responsible for fulfillment of professional services to be rendered covered by the Act and these regulations.
 9. “Person” shall mean any individual, partnership, corporation, association, company or organized group of persons whether incorporated or not.
 10. “Plant Disease” shall mean the pathological condition in or on plants and plant products caused by fungi, bacteria, nematodes, mycoplasma, viroid and viruses.
 11. “Plant Pathological Work” shall mean receiving fees for advice or prescriptions for the control or eradication of any plant disease.
 12. “Professional Services” shall mean any of the professional services performed as designated by the various categories under Section 203 of this chapter.
 13. “Rodent” shall mean any animal belonging to the order Rodentia (such as mice, rats, squirrels and beavers).
 14. “Weed” shall mean any plant which grows where not wanted.
 15. “Weed Control Work” shall mean receiving fees for advice or prescriptions for control or eradication of any weed.

Persons Required to Secure a License

- 201 Entomological, plant pathological and weed control consultants must secure a license from the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, in accordance with Sections 69-19-1 and 69-19-9, Mississippi Code 1972. No person shall advertise in any manner to render professional services or solicit business as entomological, plant pathological and weed control consultants within the meaning of the Act without first obtaining a license.

License Application; Qualifications

- 202 Application for a license shall be submitted on a form furnished by the Bureau. No application for a license shall be accepted unless the applicant shall furnish written proof that he/she meets one of the following requirements; provided that in extraordinary cases, these requirements may be waived by the Advisory Board.
1. Masters or Ph.D. degree from an accredited college or university in the field for which a license is requested.
 2. Bachelors degree from an accredited college or university in the field for which a license is requested and one (1) year's experience in said field.
 3. Must be graduated from an accredited college or university with at least fifteen (15) semester hours or the equivalent in the field for which a license is requested and one (1) year's experience in said field.

Examinations; License Categories

- 203.01 Each person to secure a license in accordance with the Act and this regulation shall be examined as follows: When the firm is under the control of one person who is solely responsible for all recommendations, this person alone shall be required to pass the examination. When more than one person is responsible, then each shall be required to pass the examination.
- 203.02 The applicant shall take an examination which shall be written and, in general, cover the subject of the professional services designated in the application.
- 203.03 Examination Dates: Examinations shall be given once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. If the applicant fails the examination for the first time, the applicant may take the examination again after a period of at least ninety (90) days. If the applicant fails the examination the second time, the applicant shall wait a full year before taking the examination the third time.
- 203.04 Categories in which examinations are to be given and for which licenses will be issued:
1. Entomological Consultant. Categories are as follows:

- a. Agricultural Entomology – Crops – Giving advice or prescriptions for the control of insects or rodents of field crops, vegetable crops, pastures and rangeland.
 - b. Forest Entomology – Giving advice or prescriptions for the control of forest insects or rodents.
 - c. Household, Structural and Industrial Entomology – Giving advice or prescriptions for the control of household insects or rodents, structural insects (such as termites, powder post beetles, etc.) and industrial insects or rodents (such as insects or rodents in stores, warehouses and transportation facilities including trucks, railroad cars, etc.).
 - d. Medical, Veterinary and Public Health Entomology – Giving advice or prescriptions for the control of insects or rodents affecting man and other animals.
 - e. Orchard and Nut Tree Entomology – Giving advice or prescriptions for the control of insects or rodents injurious to fruit and nut tree orchards and/or groves.
 - f. Ornamental Entomology – Giving advice or prescriptions for the control of insects or rodents injurious to ornamentals, lawns, turf and shade trees.
2. Plant Pathological Consultant. Categories are as follows.
- a. Agricultural Plant Pathology – Giving advice or prescriptions for the control of diseases on field crops, vegetable crops, pastures and rangeland.
 - b. Forest Plant Pathology – Giving advice or prescriptions for the control of diseases injurious to forest plants.
 - c. Orchard and Nut Tree Plant Pathology – Giving advice or prescriptions for the control of diseases injurious to fruit and nut tree orchards and/or groves.
 - d. Ornamental and Shade Tree Plant Pathology – Giving advice or prescriptions for the control of diseases injurious to ornamentals, lawns and shade trees.
3. Weed Control Consultants. Categories are as follows:
- a. Agricultural Weed Control – Giving advice or prescriptions for the control of weeds in field crops, vegetable crops, pastures and rangeland.
 - b. Aquatic Weed Control – Giving advice or prescriptions for control of weeds in and around edges of lakes, ponds and streams.
 - c. Forest and Right-of-Way Weed Control – Giving advice or prescriptions for the control of weeds on rights-of-way, forest lands and drainage ditches.
 - d. Ornamental and Turf Weed Control – Giving advice or prescriptions for control of weeds in ornamental plants, lawns, golf courses, cemeteries and similar areas.
 - e. Industrial or Commercial Site Weed Control – Giving advice or prescriptions for control of weeds growing in industrial or commercial sites, such as oil tank storage areas and other areas deemed advisable.

Issuance of a License

- 204 If the qualifications and other requirements of the applicant are satisfactory, the Bureau shall then issue a license which shall expire on December 31, following date of issue unless suspended or revoked for cause.

Invalidation of a License or Identification Card; Refusal to Issue or Renew Same

- 205.01 Acts which shall be grounds for invalidation or non-renewal of a license shall include but shall not be limited to the following:
1. Misrepresentation for the purpose of deceiving or defrauding.
 2. Making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their detriment.
 3. Failure of the licensee to supply the Bureau or its authorized representative, upon request, with true and accurate information concerning methods and materials used, or work performed, or other information essential to the administration and enforcement of the Act or these regulations.
 4. Performing work in a category for which the licensee does not hold a license.
 5. If repeated inspections by inspectors of the Bureau of Plant Industry reveal that the licensee is not performing services in a satisfactory manner.
 6. Conviction in any of the courts of this state of a violation of the Act or these rules and regulations.
 7. Intentional misrepresentation in any application for a license.
- 205.02 When a person is refused a license, or when a license is not renewed, or when the Bureau contemplates invalidation of a license, the applicant or licensee shall have the right to a hearing by filing a written request for a hearing with the Bureau by registered or certified mail. The applicant or licensee requesting the hearing may appear in person or be represented by an attorney before the Advisory Board on the date and at the place set by the Bureau. When a license has been revoked, the licensee shall be notified in writing.

Conditions for Renewal of License

- 206 In order for a license to be renewed each year, the licensee must submit a request for renewal on a form prescribed by the Bureau and show proof that he/she is knowledgeable of current control recommendations and techniques by either attending an approved training course or passing an examination. No license shall be renewed if the licensee has not engaged in the professional services for a period of three years unless he/she is re-examined.

Records

- 207 Licensee shall keep complete and accurate records of all services performed including recommendations for which fees are received. Such records shall be available for examination by employees of the Bureau during reasonable business

hours.

Bonafide Employee

- 208 Services performed under any section of these regulations must be performed only by the licensee or his/her bonafide employee.

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(Amended Aug. 12, 2010)

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